

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION

DAVID CLAPP

PLAINTIFF

V.

CASE NO. 3:19-cv-00061-JTK

ANDREW SAUL, Commissioner
Social Security Administration

DEFENDANT

ORDER

Pending before the Court is Defendant's Motion to Alter or Amend Judgment (DE # 14). For the reasons that follow, the motion is GRANTED.

On February 19, 2020, this Court entered an Order, and accompanying Judgment, reversing and remanding the case for further proceedings in order to resolve a possible conflict between the *Dictionary of Occupational Titles* (DOT) and the vocational expert's (VE) testimony. Additionally, the Court instructed the administrative law judge (ALJ) to specify the highest DOT reasoning level compatible with Plaintiff's abilities. The Defendant has respectfully requested for this Court to revise the portion of its order directing for the ALJ to identify the highest reasoning level that the Plaintiff can perform so that the ALJ may have latitude to address the potential conflict with the VE while not being constrained to include Plaintiff's highest reasoning level in the residual functional capacity (RFC) assessment.

Because the RFC is an administrative decision reserved to the Commissioner, and an ALJ is not required to incorporate reasoning level language into an RFC or hypothetical question, the Court hereby amends its Order and Judgment to remove the instruction directing the ALJ to identify the highest reasoning level Plaintiff can perform.

IT IS SO ORDERED this 24th day of April, 2020.

A handwritten signature in black ink, consisting of a large, stylized 'O' followed by a series of loops and a long horizontal stroke extending to the right.

UNITED STATES MAGISTRATE JUDGE